

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

GERALD CARTER,

Plaintiff,

VS.

**NORTHSIDE INDEPENDENT
SCHOOL DISTRICT,**

Defendant.

CIVIL ACTION NO. SA-11-CA-492-FB

ORDER ACCEPTING (FIRST) REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court is the (First) Report and Recommendation of the United States Magistrate Judge (docket no. 28) (filed on July 16, 2012). No objections to the Report and Recommendation have been filed.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989).


IT IS THEREFORE ORDERED that the (First) Report and Recommendation of the United States Magistrate Judge (docket no. 28) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his written objections within ten days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). Service upon a party may be made by mailing a copy to the party's last known address or by electronic means. Fed. R. Civ. P. 5(b)(B), (D). Service by mail is complete upon mailing. Service by electronic means is complete upon transmission. *Id.*

Plaintiff's Motion to Remand and Alternative Motion to Enter *Sua Sponte* Order (contained within docket no. 18) is DENIED.

It is so ORDERED.

SIGNED this 14th day of August, 2012.


FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE